

CLERK: Mr. President, a motion on the desk. Senator Haberman would move to return the bill for specific amendment. Senator Haberman's amendment is found on page 2033 of the Journal, Mr. President.

SPEAKER NICHOL: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, as the law reads now, the Environmental Control Protection Act forbids anyone who is a permit holder in the State of Nebraska from being named as the Director of the Environmental Control and this bill essentially makes it possible for someone who is a or has worked for or is working for a permit holder in the State of Nebraska to be the Director of the Environmental Control. Now we have an Attorney General's opinion that says this is constitutional. We have a letter from the United States Environmental Protection Agency in Kansas City, that is the feds, and they say that it is fine for us to go ahead and do that. The only thing it says in the bill, it says that "except that such requirements regarding income shall not apply to employees of any agency of the State of Nebraska or any political subdivision which may be a permit holder under the Environmental Protection Act." What it does it just qualifies for someone in Nebraska to be appointed as a Director of Environmental Control Agency for the state. I would urge the body to adopt this amendment or to return the bill to adopt this amendment.

SPEAKER NICHOL: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I rise to support the Haberman amendment. The amendment comes to us from the Governor's Office and I visited with the Governor's Office about the amendment and I have no objection to LB 356 being used as a vehicle to accomplish this objective. One of the concerns I have about the current statutes are that they are unnecessarily restrictive so far as conflict of interest is concerned and in fact it is my understanding that approximately 80% of those individuals, the large number of individuals who applied for the position as Director of the Department of Environmental Control were disqualified because of the very, very narrow conflict of interest provisions of Nebraska law and that our provisions are much more strict than those provisions of surrounding states or most states in the United States. I think it is appropriate that qualified individuals do have the ability to apply for the position. I think the Governor ought to have a great deal of discretion in deciding who is going to head these state agencies and I would be more than happy to see this amendment adopted to LB 356.